

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI**

JANE DOE 173,

Plaintiff,

v.

SHAWN RATIGAN, *et al.*,

Defendants.

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No. 4:11-CV-00565-GAF

ORDER APPROVING MINOR SETTLEMENT

Now on this 2nd day of July, 2013, the above entitled cause comes on to be heard on plaintiff's Motion for Approval of Minor Settlement brought pursuant to § 507.184 R.S.Mo., Mother Doe 173, the duly appointed Next Friend of the minor Jane Doe 173 appearing in person and by the minor's attorneys Gregg Meyers of Jeff Anderson & Associates, P.A., and Sarah Brown of Randles, Mata & Brown, LLC, and defendants Diocese of Kansas City-St. Joseph and Bishop Robert Finn appearing by their attorneys Spencer J. Brown and Mimi E. Doherty. Trial by jury is expressly waived in open court and this cause is submitted to the court upon the pleadings and evidence adduced. The court now being fully advised finds as follows:

1. That this court is advised that Next Friend Mother Doe 173 has indicated that she understands the terms of this settlement and finds them to be in the best interest of Jane Doe 173, a minor, and that Next Friend has requested that this court approve the proposed settlement.
2. That Jane Doe 173 was born in 2003.
3. That Mother Doe 173 and Father Doe 173, parents of the minor Jane Doe 173, have entered into a global settlement of both the minor's claims asserted in this action and the

parents' separate claims against the Diocese of Kansas City-St. Joseph and Bishop Robert Finn for the total amount of Six Hundred Thousand Dollars (\$600,000.00) and that said settlement is fair and reasonable and should be approved.

4. That it is fair and reasonable that from the gross settlement proceeds the sum of Five Thousand Dollars (\$5,000.00) shall be paid immediately to the Next Friend on behalf of the minor and further that an annuity issued by Berkshire Hathaway Life Insurance Company of Nebraska shall be purchased for the sum of One Hundred Ninety Five Thousand Dollars (\$195,000.00). Said annuity will make lump sum periodic future payments to Jane Doe 173 as follows:

- a. \$15,000 on September 30, 2022;
- b. \$2,000 on September 30, 2023;
- c. \$2,000 on September 30, 2024;
- d. \$2,000 on September 30, 2025;
- e. \$2,000 on September 30, 2026;
- f. \$2,000 on September 30, 2027;
- g. \$90,000 on September 30, 2028;
- h. \$85,000 on September 30, 2033; and
- i. \$214,000 on September 30, 2038.

5. That from the gross settlement proceeds the sum of Two Hundred Thousand Dollars (\$200,000.00) shall be deducted as attorneys fees and paid to attorneys Jeff Anderson & Associates, P.A. and the sum of Thirty Five Thousand Three Hundred Eighty Two Dollars and Forty Five Cents (\$35,382.45) shall be deducted as attorney expenses and paid to attorneys Jeff Anderson & Associates, P.A. and the sum of Three Hundred Sixty Seven Dollars and Eight

Cents (\$367.08) shall be deducted as attorney expenses and paid to Randles, Mata & Brown, LLC.

6. That the remaining settlement proceeds will be split between Cheyenne and Bart Nightingale to settle their claims against the Diocese of Kansas City-St. Joseph and Bishop Robert Finn. That from the settlement proceeds, Eighty Two Thousand One Hundred Twenty Five Dollars and Twenty Four Cents (\$82,125.24) will be deducted and paid to Mother Doe 173 and Eighty Two Thousand One Hundred Twenty Five Dollars and Twenty Three Cents (\$82,125.23) will be deducted and paid to Father Doe 173.

7. That all liens asserted against the settlement proceeds in this case, if any, shall be satisfied by the plaintiff and her parents and defendants shall not be liable for such liens.

It is Therefore ORDERED AND ADJUDGED:

1. That the proposed global settlement of the claims and causes of action of the minor Jane Doe 173 and of the claims of her parents Mother Doe 173 and Father Doe 173 against the Diocese of Kansas City-St. Joseph and Bishop Robert Finn for the gross amount of Six Hundred Thousand Dollars (\$600,000.00) be and it is hereby approved.

2. That the proposed attorneys fees of Two Hundred Thousand Dollars (\$200,000.00) and attorney expenses of Thirty Five Thousand Three Hundred Eighty Two Dollars and Forty Five Cents (\$35,382.45) are fair and reasonable and are hereby approved and the sum of Two Hundred Thirty Five Thousand Three Hundred Eighty Two Dollars and Forty Five Cents (\$235,382.45) shall be paid to Jeff Anderson & Associates, P.A. from the gross settlement proceeds.

3. That the proposed attorney expenses of Three Hundred Sixty Seven Dollars and Eight Cents (\$367.08) are fair and reasonable and are hereby approved and the sum of \$367.08 shall be paid to Randles, Mata & Brown.

4. That the proposed payment from the gross settlement proceeds of Five Thousand Dollars (\$5,000) to the Next Friend on behalf of the minor be and is hereby approved.

5. That the purchase of an annuity for the sum of One Hundred Ninety Five Thousand Dollars (\$195,000.00) which will provide periodic lump sum payments to the minor as follows:

- a. \$15,000 on September 30, 2022;
- b. \$2,000 on September 30, 2023;
- c. \$2,000 on September 30, 2024;
- d. \$2,000 on September 30, 2025;
- e. \$2,000 on September 30, 2026;
- f. \$2,000 on September 30, 2027;
- g. \$90,000 on September 30, 2028;
- h. \$85,000 on September 30, 2033; and
- i. \$214,000 on September 30, 2038

be and is hereby approved. Payment of the amount of \$195,000.00 to BHG Structural Settlements, Inc. is to be made on or before July 8, 2013.

6. That the proposed settlement of the claims of Mother Doe 173 in the amount of Eighty Two Thousand One Hundred Twenty Five Dollars and Twenty Four Cents (\$82,125.24) and of the claims of Father Doe 173 in the amount of Eighty Two Thousand One Hundred Twenty Five Dollars and Twenty Three Cents (\$82,125.23) be and are hereby approved.

7. That plaintiff and her parents satisfy all liens asserted against the settlement proceeds and that defendants the Diocese of Kansas City-St. Joseph and Bishop Robert Finn have no liability for any liens.

8. That it is ordered that the Next Friend hold the net settlement proceeds of \$5,000 in a separate account for the minor; and that Next Friend and Mother Doe 173 and Father Doe 173 individually execute documents releasing the Diocese of Kansas City-St. Joseph and Bishop Robert Finn from all pending or potential claims as set out more fully in the Settlement Agreement and Release. Next Friend is discharged upon execution of the release and upon payment of the \$5,000 settlement proceeds into a bank account in the minor's name.

9. Plaintiffs' causes of action and claims against defendants the Diocese of Kansas City-St. Joseph and Bishop Robert Finn are herewith dismissed with prejudice with each party to bear her, his or its own costs.

s/ Gary A. Fenner
GARY A. FENNER, JUDGE
UNITED STATES DISTRICT COURT

DATED: July 3, 2013